

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

AMERICAN SPIRIT AND CHEER
ESSENTIALS, INC., et al.,

Plaintiffs,

v.

Varsity Brands, LLC, et al.,

Defendants.

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No. 2:20-cv-02782-SHL-atc

ORDER GRANTING PLAINTIFFS' MOTION TO APPOINT INTERIM COUNSEL

Before the Court is Plaintiffs' Motion to Appoint Interim Lead Class Counsel. (ECF No. 64.) Initially, Defendants opposed this Motion, arguing, among other things, that there was no need to appoint interim counsel and that doing so would create confusion, given the other pending cases. (See ECF No. 84.) However, at the Scheduling Conference, where parties from related cases Jones (No. 20-2782) and Fusion Elite (No. 20-2600) also appeared, Plaintiffs proposed that the Interim Counsel in each case represent his or her putative class in coordinating discovery. (ECF No. 110 at PageID 455–56.) Defendants then seemed to withdraw their previous objection, with counsel stating “if that’s what the deal is going to be, is that they get appointed and then the discovery is fully coordinated, then, absolutely, that’s what we want, is discovery to be coordinated as much as conceivably possible.” (ECF No. 101 at PageID 357.)

While Defendants never withdrew their initial response to the Motion, they did support Plaintiffs' Proposed Order Creating a Discovery Committee, which included a provision appointing “Robert Falanga (American Spirit) . . . to the Plaintiffs' Discovery Coordination Committee.” (ECF No. 110 at PageID 456–57.) In addition, Plaintiffs sent a copy of their Status Report on Pending Motion to Appoint Interim Lead Counsel and on Coordination of Discovery

to Defendants on December 31, 2020. There, Plaintiffs again request that the Court grant their Motion to Appoint Interim Counsel, (ECF No. 109 at PageID 451), and Defendants have not responded or objected to this report.

Therefore, the Court concludes that Defendants no longer oppose Plaintiffs' Motion. The Court **GRANTS** Plaintiffs' Motion to Appoint Interim Lead Class Counsel and **APPOINTS** Robert Falanga as Interim Lead Class Counsel in this matter.

IT IS SO ORDERED, this 26th day of January, 2021.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
UNITED STATES DISTRICT JUDGE